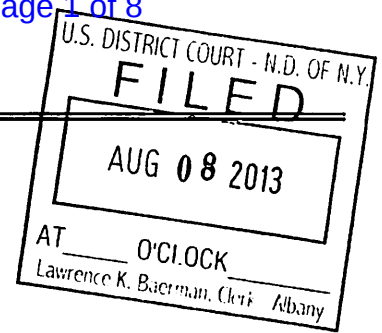


AO 91 (Rev. 02/09) Criminal Complaint

UNITED STATES DISTRICT COURT
for the
Northern District of New York



United States of America
v.

Richard Hastings

Defendant

Case No. 1:13-MJ-**387-RFT**

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 07/27/2013 in the county of Albany in the Northern District of New York, the defendant violated 18 U. S. C. § 2251(a), an offense described as follows:

On or about July 27, 2013, he did knowingly employ, use, persuade, induce, and coerce a person under the age of eighteen to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing or having reason to know that such visual depictions were produced using materials that have been mailed, shipped, or transported in interstate or foreign commerce by any means, in violation of 18 U.S.C. § 2251(a).

This criminal complaint is based on these facts:

Please see attached Affidavit

☒ Continued on the attached sheet.



Complainant's signature

Todd Turner, Special Agent, ICE/HSI
Printed name and title

Sworn to before me and signed in my presence.

Date: 08/07/2013

City and state: Albany, New York


Judge's signature

Hon. Randolph F. Treece, US Magistrate Judge
Printed name and title

AFFIDAVIT OF SPECIAL AGENT TODD TURNER

I, Todd Turner, a Special Agent with Homeland Security Investigations, being duly sworn, depose and state as follows:

Introduction

1. I am a U.S. Immigration and Customs Enforcement Homeland Security Investigations (HSI) Special Agent within the U.S. Department of Homeland Security. I have been a law enforcement officer for approximately (17) seventeen years; (2) years as an Immigration Agent and (15) fifteen years as a Special Agent. My career as a Special Agent began in March 1998 with the U.S. Immigration and Naturalization Service (INS), which was merged into U.S. Immigration and Customs Enforcement (ICE) in March 2003, which is now known as Homeland Security Investigations (HSI). Prior to my employment as a Special Agent, I was an Immigration Agent for the US Immigration and Naturalization Service from June 1996 until March 1998. As an HSI Special Agent, I am authorized to seek and execute federal arrest and search warrants for Title 18 and Title 21 criminal offenses, including offenses related to smuggling, and the importation of controlled substances. I have a Bachelor's of Art degree in Communications. I have completed the Special Agent Transition Training Program and Journeymen Training at the Federal Law Enforcement Training Center. I completed Customs Basic Enforcement Training in Albany, New York. During both basic training, and subsequent additional training, I received instruction on conducting online child pornography investigations, smuggling investigations, and narcotics investigations.

2. This affidavit is made in support of an application for a criminal complaint charging RICHARD HASTINGS with producing child pornography in violation of Title 18, United States Code, Section 2251(a).

3. The statements in this affidavit are based in part on information developed by your affiant and on my investigation of this matter, and of other law enforcement officers who have provided information to me. Since this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the defendant has violated Title 18, United States Code, Section 2251(a).

DETAILS OF THE CURRENT INVESTIGATION

4. On or about July 29, 2013, a Queensland (Australia) Police Services (QPS) investigator acting in an undercover capacity received an email from a hushmail.com email account requesting to trade pictures.

5. During the course of the email exchange with the hushmail user, the QPS investigator asked who the user was, if the user had an account on an online website (hereinafter "Website A") used extensively by persons interested in exchanging images depicting child pornography to meet and become trading partners, and what the user's Website A username was. The user responded "luvlittlevj...yeahthats me.. well they took down most of my stuff but I can trade." The QPS investigator then responded: "aaa yes hou you doin mate? Fuckin skinny and his moderators, they piss me off too! I love your little one, wot pics do u have of her that I wud enjoy spuffin over? Tell me about her and wot u do together?" The user stated "I only have a few pics of her that were taken with a webcam and are poor quality, but I have other pics that people traded me that I could give you. She is quite the fun one. We spend alot of time together alone and she loves to play with my meat. If you want the pics of her I'd be willing to trade, or even the other girls I have." The QPS investigator stated "why cant u take some better quality

pics of her? Is she your daughter” wot other girl pics do u have? Are they homemade cos I prefer new material?”. The user responded “Well I don’t really have a camera and she isn’t 100% cooperative. The other pics are from another person I traded with I have a few of them I’ll send a sample.” In the final email in the exchange, the user stated “Here is a small sample.”

6. Attached to the email were three images, each of which depicts a juvenile female, of approximately toddler or preschool age. The first image depicts a blond-haired girl, preschool aged, wearing a pink outfit with her legs spread apart, but the image is not clear enough to tell if her genitalia is exposed or not. The second image depicts a naked female, with blond hair, preschool aged, lying naked on a bed with her legs spread apart. The focal point of the image is on the naked vagina of the girl. The third image depicts the same preschool girl described in the first image, lying on the floor in the pink outfit, with her feet in the air. Her naked vagina and anus region are the focus of the image. Based on my training and experience, I recognize these images which depict the girl’s naked genital area as being child pornography through means of lascivious exhibition.

7. The Queensland Police Services investigator, through foreign law enforcement agencies that are cooperating in this operation, determined that the hushmail account was registered on Website A as user “luvlittlevj” on July 27, 2013. The QPS investigator received a IP log file of the dates and times that “luvlittlevj” was active on Website A. The log file shows that the account was accessed from IP address 74.42.203.53 at several times on July 27 and 28, 2013. The account was also accessed from IP address 216.177.129.198 on July 28, 2013 at 00:05:45 and 02:28:12 GMT +4, from IP address 216.177.129.118 on July 28, 2013 at 04:45:09 GMT +4, and from IP address 216.177.129.185 on July 29, 2013 @ 01:29:48.

8. I was provided by an HSI Criminal Research Specialist (CRS) with a screen capture of the Website A account home page of “luvlittlevj,” which displays four digital photo albums. Three of these albums were password protected, and one was not. The password protected albums include an album titled “ready and willing,” which contains eight photos, an album titled “little one sleeping,” which contains eight photos, and an album titled “good morning little one,” which contains six photos. An album titled “my little one” is a public album, containing four images of a girl smiling, as described further below. The screen capture of the “little one sleeping” folder has a note that says “email and send pics 2-13yo. she will reply to all and might give you the pass.” I was also provided by the CRS with a copy of twelve images displayed on Website A under the user name “luvlittlevj” under the “little one sleeping” and “my little one folders.” The images are of low quality and appear to have been produced in a low-light situation. Several of the images appear similar or the same. Three of the images appear to be of the naked buttocks of a girl wearing a nightgown that has been pulled up. The girl’s genitalia is not exposed. The girl appears to be of a young elementary school age. Four of the images appear to be of the little girl making faces for the camera, but nothing about the images appear to be pornographic. The only portion of the girl that is visible in these images is her face. The other images publicly viewable images displayed on Website A under the user account “luvlittlevj” are of the girl sleeping in a bed. The images depicting the girl’s naked buttocks would be considered child erotica based on my experience investigating child exploitation investigations. The other images that I was able to view under the luvlittlevj username on Website A would not be considered child pornography or child erotica. The child erotica images discovered on Website A as well as the child pornography images emailed from the hushmail.com account were made available to the Court for inspection upon request.

9. On August 1, 2013, I served a DHS Summons on Frontier Communications requesting subscriber information for the IP address 74.42.203.53 that was used on July 27 and July 28, 2013. On the same date, the Frontier Communications Legal Compliance Department responded that the IP address 74.42.203.53 from July 27, 2013 through July 31, 2013 was assigned to an internet service account at the defendant's Mayfield, New York residence.

SEARCH WARRANT

10. Based upon the above information, on August 7, 2013, this Court issued a search warrant for the defendant's Mayfield residence. That warrant was executed on August 8, 2013.

11. Upon execution of the search warrant at the defendant's Mayfield residence, HSI agents located a girl (the "Victim") whose appearance matched the appearance of the girl depicted in the photographs that had been sent to the Queensland PD and in the photographs associated with the "luvlittlevj" account. At the time of the search, the Victim was found asleep in the defendant's bed along with the defendant. During the course of the execution of the warrant, investigators spoke with the aunt of the Victim, who was sitting on the stairs outside of the house at the time of the search, and she identified the Victim and stated the Victim's date of birth, which shows the Victim to be seven years of age.

12. The defendant was detained and Mirandized. After he executed a written Miranda waiver, he gave a statement. During the statement, he admitted that he had operated the hushmail account described above and that he posted the folders and pictures described above on Website A under the "luvlittlevj" username. He verbally took the agents through each folder and described its contents. He stated that the "ready and willing" folder included photographs in which he persuaded the Victim to spread her vagina and spread her anus. He stated that the "My little one sleeping" folder included photographs in which he had pulled down the Victim's

underwear while she was sleeping to take pictures of her buttocks. He stated that the “Good morning little one” folder included photos where the Victim was wearing a nightgown and no underwear and involved him taking pictures under her nightgown. And he stated that the “My little one” folder included photographs of the Victim making faces.

13. During the interview, the defendant stated that he kept photographs of the Victim in a folder on his computer entitled with an abbreviation of the Victim’s first name.

14. An on-site preview of the blue-silver Inspiron Dell laptop computer found in the defendant’s bedroom revealed a series of fourteen pornographic images depicting the victim. This series is located in an electronic folder bearing an abbreviation of the Victim’s first name. These images depict the lascivious display of the Victim spreading her buttocks and her vaginal area, the Victim displaying her vaginal area underneath her skirt, the Victim laying with her legs spread displaying her vaginal area, and the Victim laying with her hands spreading her vagina.

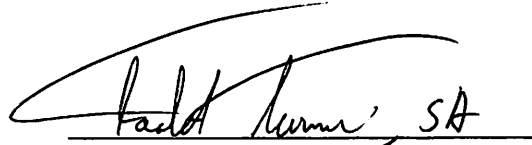
15. The on-site preview of the computer also revealed a total of over three hundred other photographs and three videos containing child pornography.

16. The defendant also admitted receiving large quantities of child pornography from a ZIP file that he received two weeks ago on the hushmail.com account described above.

CONCLUSION

17. Based upon the above information, there is probable cause to believe that RICHARD HASTINGS knowingly employed, used, persuaded, induced, enticed, and coerced a person under the age of eighteen, to wit: a female child seven years of age, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing or having reason to know that such visual depiction was produced using materials that have been

mailed, shipped, or transported in interstate or foreign commerce by any means, in violation of Title 18, United States Code, Section 2251(a).



Special Agent Todd Turner
U.S. Immigration and Customs Enforcement
Homeland Security Investigations

Sworn and subscribed before me this 8 day of August, 2013.



RANDOLPH F. TREECE
UNITED STATES MAGISTRATE JUDGE